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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:	09/146,835
Applicant:	Masanori Ito et al.
Filed:	September 3, 1998
Title:	DIGITAL IMAGING SYSTEM
TC/A.U.:	2626
Examiner:	Mark E. Wallerson
Confirmation No.:	9903
Docket No.:	MAT-6280US

APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Final Official Action dated October 3, 2003, Applicants are submitting this Appeal Brief for the above-identified application.

I. REAL PARTY IN INTEREST

The real party in interest of the present application is Matsushita Electric Industrial Co., Ltd.

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences known to Appellants, the Appellants legal representative, or Assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 52-63 are pending. Claims 1-51 and 64 have been canceled. Claims 52-64 (this is a typographical error in the Official Action - claim 64 was previously

cancelled) have been rejected under 35 U.S.C. § 102(b). Claims 52-63 have been appealed.

IV. STATUS OF AMENDMENTS

The present application is under final rejection. All previous amendments have been entered. There are no pending unentered amendments.

V. SUMMARY OF INVENTION

The present invention relates to a digital camera. The camera includes a memory (i.e., flash memory card 104) which is separatable from said digital camera (Specification, page 20, lines 6-7). A picture capturing unit (i.e., picture taking means 101) captures picture information corresponding to an image. The picture information is stored in the memory while the memory is attached to the camera (Specification, page 19, lines 8-16). A control information processor (i.e., print control information storage means 103) signals to the memory how the image derived from the picture information is to be rotated during imaging of the image. For example, in the Specification at page 20, line 4, et. seq., the print control information storage means 103 is identified as producing a print control information file 8 in the flash memory card 104. In the Specification at page 15, line 22, Figure 4A is described as being a diagram showing a content of print control information file 8. The Specification at page 22, line 16 explains how if display rotation key 14 is pressed, a 90 is set as shown in Figure 4A to specify that the image is to be rotated. The signaling to said memory of how the image is to be rotated may be initiated after the picture information is captured (Specification, page 22, lines 12-21 which describes the pressing of display rotation key 14 after, for example, "Mr. M displays "A.JPG" as a picture which he wants to print - page 22, lines 8-10). A display unit (i.e., liquid crystal display 12) displays according to a user operation a rotated image of the picture information (Specification, page 21, lines 11-12 and lines 22-24).

VI. ISSUE

1) Whether claims 52-63 are unpatentable under 35 U.S.C. § 102(b) as being anticipated by Petruchik (U.S. Patent No. 5,619,738).

Claims 52-64 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Petruchik et al. (U.S. Patent No. 5,619,738). It is respectfully submitted, however, that Applicants' claims are patentable over the art of record for the reasons set forth below.

Applicants' invention, as recited by claim 52, includes a feature which is neither disclosed nor suggested by the art of record, namely:

> ... a display unit for displaying ... a rotated image of said picture information.

This is illustrated by Applicants' Figure 3A and Figure 3B, and by the text which corresponds to those Figures. Specifically, in Applicants' invention, the image itself is rotated on the display units. This is different than Petruchik in which the image is not rotated. Petruchik, Figure 4, illustrates a rotation within electronic markers 50. However, the image itself is not being rotated. The only thing that is being rotated in Figure 4 is the markers. This is explained in Petruchik at column 6, lines 44-50 where it is stated:

> Editing is carried out by electronically moving framing markers on a fixed electronic image displayed on the camera back. Zooming, tilting, panning and cropping are accomplished by moving the markers, instead of the image, and the marker movement is driven by appropriately identified input elements surrounding the display.

Thus, Petruchik does not disclose Applicants' claimed feature of rotating the image itself. For this reason, claim 52 is patentable over the art of record.

Applicants' claimed invention is also different from Petruchik because Applicants' memory and Petruchik's memory are completely different. The Official Action states that Applicants' memory is identical to memory 40 of Petruchik. This is not correct. Specifically, Applicants' claim 52 recites that their control information processor signals to the memory how the image derived from the picture information is to be rotated. Thus, Applicants' claimed memory stores

information relating to the rotated image. It is impossible for Petruchik's memory 40 to store information relating to the rotated image. Petruchik at column 5, lines 9-12 states:

> After all the desired selections are made, the results are saved by depressing input element 70. This captures the editing information and causes it to be recorded magnetically as data on the film.

Thus, Petruchik's memory 40 does not record editing information. Petruchik clearly states that his editing information is recorded on the film itself. For this additional reason, claim 52 is patentable over Petruchik.

Petruchik is also different from the claimed invention because the structure which enables Petruchik to capture picture information is different than Applicants' picture capturing unit. The Official Action indicates that Petruchik discloses the captured picture information at column 5, lines 50-54. Petruchik, however, needs two kinds of electric image and film in order to print and display the captured image. The camera needs one type of picture information to be printed when the film recording the picture information is separated from the camera. In addition, completely different picture information is displayed on Petruchik's screen. By contrast, Applicants' picture capturing unit captures picture information which:

- is stored in Applicants' memory;
- is used to generate the image on the display unit;
- is used during imaging of the image when the memory is separated from the camera.

Thus, Applicants' captured picture information is used for three purposes. This is completely different than Petruchik. Petruchik uses one set of picture data (i.e., the optical image) for storage on photochemical film and subsequent imaging after the photochemical film has been removed from the camera. Petruchik uses a second set of image information which is stored in Petruchik's memory 40 for displaying. For this additional information, claim 52 is patentable over the art of record.

Claims 54 and 55, while not identical to claim 52, is also patentable over Petruchik for all of the reasons set forth above with regard to claim 52.

The remaining pending claims are all allowable by virtue of their dependency on the respective independent claims from which they depend.

In view of the amendments and arguments set forth above, the above-identified application is in condition for allowance which action is respectfully requested.

SUMMARY

This Appeal Brief has been filed because Appellants' claims include features which have been neither disclosed nor suggested by the art of record, namely:

A DISPLAY UNIT FOR DISPLAYING A ROTATED IMAGE OF THE PICTURE INFORMATION

Again, in Petruchik (the only cited reference), at column 6, lines 44-50, it is stated:

> . . . tilting . . . [is] accomplished by moving the markers, instead of the image . . .

Petruchik is unequivocal about moving his markers and expressly states that his image is not moved. As this feature is neither disclosed nor suggested by Petruchik, the claims are patentable over Petruchik.

In view of all of the arguments set forth above, allowance of the above-identified application is respectfully.

In accordance with 37 C.F.R. § 1.192(a), this Appeal Brief is being submitted in triplicate. The required fee is enclosed.

Respectfully Submitted,

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Enclosures: Pending Claims

Dated: January 5, 2004

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The Assistant Commissioner is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on:

January 5, 2004

Lawrence E. Ashery

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PENDING CLAIMS

52. (Previously Presented) A digital camera comprising:

a memory which is separatable from said digital camera;

a picture capturing unit for capturing picture information corresponding to an image and for storing said picture information in said memory while said memory is attached to said camera;

a control information processor for signaling to said memory how said image derived from said picture information is to be rotated during imaging of said image when said memory is separated from said camera, said signaling initiated after said picture information is captured; and

a display unit for displaying according to a user operation a rotated image of said picture information.

53. (Previously Presented) A digital camera according to claim 52, wherein said picture information is printed from said memory when said memory is separated from said digital camera.

54. (Previously Presented) A digital camera comprising:

a memory which is separatable from said digital camera;

a picture capturing unit for capturing picture information corresponding to an image and for storing said picture information in said memory;

a control information processor for signaling to said memory how said image derived from said picture information is to be rotated during printing said picture information, said signaling initiated after said picture information is captured; and

a display unit for displaying according to a user operation a rotated image of said picture information.

55. (Previously Presented) A digital camera comprising:

a memory which is separatable from said digital camera;

a picture capturing unit for capturing picture information and for storing said picture information in said memory;

a rotation unit for rotating said picture information;

a control information processor for storing in said memory a print control information indicating how said picture information which is captured is to be printed, said print control information including rotation control information indicating how said picture information which is captured is rotated, said picture information being printed from said memory when said memory is separated from said digital camera; and

a display unit for displaying according to a user operation said rotated picture information.

56. (Previously Presented) A digital camera according to claim 52, wherein a rotation angle of said image displayed at said display unit is changed by 90 degree according to said user operation.

57. (Previously Presented) A digital camera according to claim 53, wherein a rotation angle of said image displayed at said display unit is changed by 90 degree according to said user operation.

58. (Previously Presented) A digital camera according to claim 54, wherein a rotation angle of said image displayed at said display unit is changed by 90 degree according to said user operation.

59. (Previously Presented) A digital camera according to claim 55, wherein a rotation angle of said picture information displayed at said display unit is changed by 90 degree upon actuating said rotation unit.

60. (Previously Presented) A digital camera according to claim 52, wherein size of said image displayed at said display unit is automatically adapted to size of said display unit when changing a rotation angle of said image.

61. (Previously Presented) A digital camera according to claim 53, wherein size of said image displayed at said display unit is automatically adapted to size of said display unit when changing a rotation angle of said image.

62. (Previously Presented) A digital camera according to claim 54, wherein size of said image displayed at said display unit is automatically adapted to size of said display unit when changing a rotation angle of said image.

63. (Previously Presented) A digital camera according to claim 55, wherein size of said image displayed at said display unit is automatically adapted to size of said display unit when changing a rotation angle of said picture information.